IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 967 OF 2007.

Vilas Malhar alias Bapurao
Bhadbhade and others. ... Appellants.
Versus.
Smt.Shruti alias Manju Rajiv Veerkar ... Respondent.

Shri Prashant Talote holding for Shri Tajash Dande for the Appellants.

CORAM : ABHAY S.OKA, J.

DATED : 12th December, 2007.

P.C.:

1. The Advocate for the Appellants seeks time. By the impugned Judgment and Order, the Appellate Court has exercised power under Rule 10 of Order VII of the Code of Civil Procedure, 1908 by ordering return of the plaint for presentation to the appropriate Court. The said order is an appealable order under clause (a) of Rule (1) of Order XLIII of the said Code. Hence the Second Appeal is not maintainable. The Second Appeal is accordingly dismissed as not maintainable. This order will not preclude the Appellants from taking out appropriate proceedings for challenging the Judgment and order of the Appellate Court. The Appellants will be entitled to the refund of Court fee as per the Rules. The certified copies shall be returned to the Advocate for the Appellants.

Judge.